

Application No. 09/835,106  
Docket No. 02-12, ACT 126/127

Art Unit 2839  
Examiner Michael C. Zarroli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: STEINBERG, et al.

Serial No.: 09/835,106

Filed: April 13, 2002

For: OPTICAL WAVEGUIDE SWITCH

: Group Art Unit: 2839

: Examiner:  
: Michael C. Zarroli

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Niels Haun

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER 1.113(b)**

The undersigned representative would like to thank the Examiner for suggesting a telephone interview to advance the prosecution of this case, which was conducted on January 29, 2004.

During the interview the possible rejection of independent claim 1 under 35 U.S.C. 102 in view of U.S. Patent 6,320,997 was discussed. It was agreed that the claim 1 in its present form is patentable over U.S. Patent 6,320,997 for at least the reasons that U.S. Patent 6,320,997 does not disclose the recited feature that "said first waveguide holding member moves transversely relative to said second waveguide holding member", because "transversely" means along a selected linear direction, as defined in the application.

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It was further agreed that the application is now in condition for allowance, which Applicants note with appreciation.

Respectfully submitted,



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